

PLANNING AND ENVIRONMENT COURT OF QUEENSLAND

PRACTICE DIRECTION NUMBER 3 OF 2025

DETERMINATION OF MERITS APPEALS ABOUT PARTICULAR TYPES OF RESIDENTIAL DEVELOPMENT

Purpose

1. The purpose of this Practice Direction is to provide additional case management procedures for the just and expeditious resolution of merits appeals about residential uses and/or subdivision of land for residential purposes.

Application

2. This Practice Direction applies to proceedings in the Brisbane registry of the Court about:
 - (a) a development application seeking approval for reconfiguration of a lot for residential purposes and the number of lots proposed equals or exceeds 100;
 - (b) a development application seeking approval for a material change of use for a residential purpose and the number of dwellings proposed equals or exceeds 100;
 - (c) a development application that includes a variation request as defined in the Planning Act 2016 and is intended to facilitate, inter alia, development identified in (a) and (b);
 - (d) infrastructure charges levied in respect of development identified in (a) and (b); and
 - (e) a matter which does not fall within (a) to (d) above, but which the Listing Judge (as defined in Practice Direction Number 3 of 2023) is satisfied should be case managed, and listed, as if this Practice Direction applies.

Early resolution

3. Appeals about the matters to which this Practice Direction applies will be subject to an alternative dispute resolution process at an early stage.
4. Unless the Court orders otherwise, within one month after commencement of an appeal (calculated from the date of filing) to which this Practice Direction applies, or if the ADR Registrar is not available within the first month, at the first available opportunity, the parties shall participate in –
 - (a) a without prejudice conference chaired by the ADR Registrar or a delegate appointed by order of the ADR Registrar pursuant to s 27(1)(b) of the *Planning & Environment Court Act 2016*; or
 - (b) a case management conference chaired by the ADR Registrar or a delegate appointed by order of the ADR Registrar pursuant to s 27(1)(b) of the *Planning & Environment Court Act 2016*.
5. It is not anticipated that the parties will participate in a without prejudice conference, case management conference or mediation chaired by a private mediator at this stage of the

proceeding. Paragraph 4(c) of Practice Direction Number 2 of 2023 does not apply to the proceedings identified in paragraph 2.

6. Where the parties do not comply with paragraph 4 of this Practice Direction, the ADR Registrar shall list the proceeding forthwith for review by the Listing Judge who manages the Brisbane P&E List from time to time.

First return date

7. The First return date for a proceeding to which this Practice Direction applies will be the first review after compliance is achieved with paragraph 4 or the ADR Registrar has listed the proceeding for review.
8. The proceeding will be case managed as if it were included in the Supervised case list. At the First return date, a review date will be given before the Judge allocated to supervise the proceeding (**the Supervising Judge**).

Case management

9. The Supervising Judge will case manage the proceeding to the point where it satisfies the definition for Ready for hearing in the relevant Practice Direction, such as Practice Direction Number 3 of 2023. It is expected that proceedings will be ready for hearing and be allocated hearing dates no later than 1 year after the proceeding was filed.
10. While a proceeding is subject to supervision by a Supervising Judge, parties will comply with paragraphs 5 to 21 of Practice Direction Number 3 of 2023.
11. Once the Supervising Judge is satisfied the proceeding is Ready for hearing, the matter will be returned to the Listing Judge, who manages the Brisbane list from time to time, for a review and to allocate hearing dates. Before that review, parties will comply with paragraph 24 of Practice Direction Number 3 of 2023.

Allocation of hearing dates

12. A proceeding, which is Ready for hearing may be allocated hearing dates by the Listing Judge. Dates will be allocated in accordance with paragraphs 23 and 24 of Practice Direction Number 6 of 2023.

Review by hearing Judge

13. After a proceeding has been listed for hearing it will be reviewed by the hearing Judge. Paragraphs 26 to 28 of Practice Direction Number 3 of 2023 apply to this review.



Brian Devereaux SC
Chief Judge
8 April 2025